

REMARKS

Claims 10-13, 16-28, and 58-60 are pending. By this Amendment, Claims 10, 17 and 24 are amended. Because support for the amendments to Claims 10 17 and 24 is provided in the application as originally filed, for example, see the paragraph on page 9, lines 6-16, and Figures 6 and 11, Applicants respectfully submit that no new matter is presented herein.

Claim Rejections – 35 U.S.C. §103

Claims 10-13, 17-22 and 58-59 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,216,573 to Moutafis et al. (Moutafis) in view of U.S. Patent No. 5,158,437 to Natwick; and Claims 16, 23-28 and 60 are rejected under 35 U.S.C. §103(a) as being unpatentable over Natwick and Moutafis, as applied to the claims above, and further in view of U.S. Patent No. 5,462,256 to Minick.

Applicants respectfully traverse each of the rejections for at least the following reason(s).

Claim 10 recites a cartridge cassette for use with a surgical irrigation pump including, among other features, a diaphragm that is disposed intermediate upstream and downstream valves and means fro removably connecting the cartridge to the pump.

Similarly, Claim 17 recites a cartridge cassette for use with a surgical irrigation pump including, among other features, a diaphragm that is disposed intermediate upstream and downstream valves and a laterally outwardly projecting tab on the pump.

Also, Claim 24 recites a cartridge cassette adapted to mate with a surgical irrigation pump including, among other features, a diaphragm that is disposed

intermediate upstream and downstream valves and a mated position where the cassette mates with the pump.

A benefit of the present invention provided by the feature recited by Claims 10, 17 and 24 is that the cartridge cassette can be quickly connected to and disconnected from the surgical irrigation pump without having to spend time manipulating any components such as, for example, the diaphragm.

Applicants submit Moutafis fails to teach or suggest the diaphragm 86 is disposed intermediate the upstream and downstream valves 98 and 114 and the flange or shoulder 84, lever 140 and latch 148. Rather, Moutafis teaches the flange or shoulder 84, lever 140 and latch 148 assembly is disposed intermediate the upstream valve 98 and the downstream valve 114, and that the upstream valve 98 and the flange or shoulder 84, lever 140 and latch 148 assembly is disposed intermediate the downstream valve 114 and diaphragm 86.

Applicants concede it is conceivable for the location of the flange or shoulder 84, lever 140 and latch 148 assembly to be moved so as to be intermediate both valves 98 and 114 and the diaphragm 86. However, since Moutafis specifically teaches and requires the diaphragm 86 to be draped into the mouth of the fluid chamber 64 (see column 7, lines 66-67), Applicants submit it would not be obvious to one of ordinary skill in the art to move the location of the flange or shoulder 84, lever 140 and latch 148 assembly such that the diaphragm 86 is intermediate the flange or shoulder 84, lever 140 and latch 148 assembly and the valves 98 and 114 given the requirement for the diaphragm 86 to drape or hang into the fluid chamber 64.

As such, Applicants respectfully submit that even though Natwick may teach the diaphragm 340 is intermediate the connecting means (door 78 and latch 80) and inlet and outlet ports 306 and 374, Applicants submit it would not be obvious to one of ordinary skill in the art to modify Moutafis in view of the teachings of Natwick because the mere substitution of that which is taught by Natwick into Moutafis would not produce a predictable result.

Minick is cited merely for teaching a diaphragm having a graduated cross-section and therefore does not cure or otherwise overcome the above-described deficiency of the proffered Moutafis/Natwick combination.

For the reason discussed above, Applicants respectfully submit that Moutafis, Natwick, and Minick, alone or in any combination thereof, do not teach or otherwise suggest the invention recited by Claims 10, 17 and 24.

Therefore, Applicants respectfully submit that Claims 10, 17 and 24 are not rendered obvious in view of Moutafis, Natwick, and/or Minick and should be deemed allowable.

Claims 11-13, 16 and 58 depend from Claim 10; Claims 18-23 and 59 depend from Claim 17; and 25-28 and 60 depend from Claim 24. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claims 10, 17 and 24, respectively, are allowable as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.

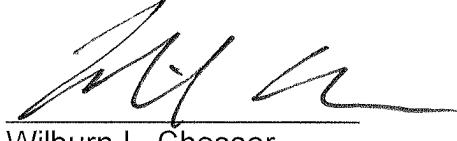
Conclusion

In view of the above, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 10-13, 16-28 and 58-60, and the prompt issuance of a Notice of Allowability is respectfully requested.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 029714.00027.**

Respectfully submitted,



Wilburn L. Chesson
Registration No. 41,668

Customer No. 79439

ARENT FOX LLP
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

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